

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Action
No. 99-10371-DJC

V.

June 17, 2013

JAMES J. BULGER,

Defendant.

TRANSCRIPT OF TESTIMONY OF JOHN MARTORANO

JURY TRIAL DAY 4

BEFORE THE HONORABLE DENISE J. CASPER

UNITED STATES DISTRICT COURT

JOHN J. MOAKLEY U.S. COURTHOUSE

1 COURTHOUSE WAY

BOSTON, MA 02210

DEBRA M. JOYCE, RMR, CRR
JAMES P. GIBBONS, RMR
Official Court Reporter
John J. Moakley U.S. Courthouse
1 Courthouse Way, Room 5204
Boston, MA 02210
617-737-4410

1 APPEARANCES:

2 FOR THE GOVERNMENT:

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4 FRED M. WYSHAK, JR., ESQ.
5 ZACHARY R. HAFFER, ESQ.
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12 FOR THE DEFENDANT:

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25

P R O C E E D I N G S

(The following proceedings were held in open court before the Honorable Denise J. Casper, United States District Judge, United States District Court, District of Massachusetts, at the John J. Moakley United States Courthouse, 1 Courthouse Way, Boston, Massachusetts, on June 17, 2013.)

* * * * *

JOHN MARTORANO, having been duly sworn by the Clerk, was examined and testified as follows:

10:29 10 THE CLERK: Thank you. Please be seated.

11 THE COURT: Good morning, sir.

12 THE WITNESS: Good morning.

13 THE COURT: Counsel?

14 MR. WYSHAK: Thank you, your Honor.

15 DIRECT EXAMINATION

16 BY MR. WYSHAK:

17 Q. Good morning, Mr. Martorano.

18 A. Good morning.

19 Q. Could you please state your full name and spell your last
10:29 20 name?

21 A. John Martorano, M-a-r-t-o-r-a-n-o.

22 Q. How old are you, sir?

23 A. Seventy-two.

24 Q. And where were you born?

25 A. Cambridge, Mass.

1 Q. Can you describe your educational background?

2 A. High school.

3 Q. Are you married, sir?

4 A. No, divorced.

5 Q. Do you have any children?

6 A. Yes.

7 Q. How many?

8 A. Five.

9 Q. Are you currently employed?

10:29 10 A. No.

11 Q. How do you make a living?

12 A. Social Security.

13 Q. Are you testifying here today pursuant to a plea agreement
14 with the United States?

15 A. Correct.

16 MR. WYSHAK: Your Honor, at this time I'd like to show
17 the witness what's been marked Government Exhibit 1159 for
18 identification.

19 THE COURT: You may approach.

10:30 20 BY MR. WYSHAK:

21 Q. Showing you what's been marked Government Exhibit 1159 for
22 identification, do you recognize that?

23 A. Yes.

24 Q. What is it?

25 A. It's my plea agreement.

1 MR. WYSHAK: Your Honor, I offer it.

2 THE COURT: Any objection, counsel?

3 MR. BRENNAN: No objection.

4 THE COURT: It may be admitted and published.

5 (Exhibit 1159 received into evidence.)

6 MR. WYSHAK: Can we put it up on the screen?

7 BY MR. WYSHAK:

8 Q. All right.

9 Mr. Martorano, directing your attention to the
10:31 10 beginning of this letter, this agreement covers more parties
11 than the U.S. Attorney's Office in Massachusetts, does it not?

12 A. Yes.

13 Q. And who are the other parties to this plea agreement?

14 A. I don't see them, but it was --

15 Q. Right in the first sentence, sir, of the letter.

16 A. Yeah, Florida, Tulsa, district attorneys in Tulsa and in
17 Massachusetts.

18 Q. Okay. So when you say "Florida," who was it in Florida
19 who was a party to the agreement?

10:31 20 A. District attorney.

21 Q. And who in Tulsa?

22 A. District attorney.

23 Q. And who in Suffolk County?

24 A. I believe it was the district attorney.

25 Q. Okay.

1 And pursuant to this plea agreement, is it fair to say
2 that you agreed to plead guilty to federal charges?

3 A. Yes.

4 Q. As well as state charges in Tulsa?

5 A. Correct.

6 Q. And state charges in Florida?

7 A. Correct.

8 Q. Those federal charges included ten murders, did they not?

9 A. Correct.

10:32 10 Q. You agreed to plead guilty to racketeering charges?

11 A. Yes.

12 Q. And the murder of a man named Michael Milano?

13 A. Yes.

14 Q. The murder of a man named Al Plummer?

15 A. Yes.

16 Q. The murder of a man named William O'Brien?

17 A. Yes.

18 Q. The murder of a man named James O'Toole?

19 A. Yes.

10:32 20 Q. The murder of a man named Joe Notorangeli?

21 A. Correct.

22 Q. The murder of a man named Al Notorangeli?

23 A. Correct.

24 Q. The murder of a man named James Sousa?

25 A. Correct.

1 Q. The murder of a man named Thomas King?

2 A. Correct.

3 Q. The murder of a man named Edward Connors?

4 A. Correct.

5 Q. And the murder of a man named Richard Castucci?

6 A. Correct.

7 Q. Is that fair to say?

8 A. Correct.

9 Q. And you agreed to plead guilty in Tulsa, Oklahoma, to the
10:33 10 murder of a man named Roger Wheeler, did you not?

11 A. Yes.

12 Q. You also agreed to plead guilty in Miami, Florida to the
13 murder of a man named John Callahan?

14 A. Yes.

15 Q. And the plea agreement provided that you receive a
16 sentence from 12-and-a-half to 15 years in prison?

17 A. Correct.

18 Q. What sentence did you actually receive?

19 A. Fourteen years.

10:34 20 Q. Did you also receive a sentence of supervised release?

21 A. Five years supervised, yeah.

22 Q. Have you served that sentence as you sit here today?

23 A. Yes, both of them.

24 Q. And did you -- regarding the period of incarceration, did
25 you serve that in a witness security facility?

1 A. Yes.

2 Q. Did the agreement require you to cooperate against the
3 defendant in this case, James Bulger?

4 A. Yes.

5 Q. As well as other individuals; is that fair to say?

6 A. Yes.

7 Q. Stephen Flemmi?

8 A. Yes.

9 Q. And can you tell us what your relationship was with James
10:34 10 Bulger and Stephen Flemmi?

11 A. They were my partners in crime. They were my best
12 friends. They were my children's godfathers.

13 Q. And what motivated you to cooperate against them?

14 A. Well, after I heard that they were informants, it sort of
15 broke my heart. But, you know, they broke all trust that we
16 had, all loyalties, and I was just beside myself with it.

17 Q. Did you -- what is the name of your youngest son?

18 A. James Steven.

19 Q. And who is he named after?

10:35 20 A. Jimmy Bulger and Stevie Flemmi.

21 Q. Now, this plea agreement requires you to tell the truth;
22 is that fair to say?

23 A. Correct.

24 Q. What do you understand the penalties to be if you don't
25 tell the truth?

1 A. I do the rest of my life in jail.

2 Q. The plea agreement required you to forfeit property that
3 you owned; is that correct?

4 A. Correct.

5 Q. And what happened to the property that you owned that was
6 seized by the government?

7 A. The government allowed me to use it to settle a judgment
8 against me.

9 Q. All right.

10:36 10 And who obtained a judgment against you?

11 A. Ex-wife.

12 Q. And what was that judgment for?

13 A. The amount?

14 Q. No. What was the basis for obtaining the judgment against
15 you?

16 A. I sold a house, and she said that I owed her money.

17 Q. Did it also include allegations that you owed her money
18 for child support?

19 A. Yeah, but that was proven false.

10:37 20 Q. In any event, you -- that money that you had went to your
21 former wife; is that fair to say?

22 A. Correct.

23 Q. Now, I'd like to direct your attention to page 4 of the
24 plea agreement.

25 MR. WYSHAK: If we could put that up on the screen.

1 Q. And before we get to this -- well, withdrawn.

2 Directing your attention to paragraph 6 A, it says,
3 "Defendant agrees to cooperate fully with law enforcement
4 agents and government attorneys. You must provide complete and
5 truthful information to all government law enforcement
6 personnel. He must answer all questions put to him by any
7 government law enforcement agents or government attorneys and
8 must not withhold any information."

9 Did you do that, Mr. Martorano?

10:38 10 A. Yes, I did.

11 Q. Did you provide information about all the individuals that
12 you were asked about?

13 A. Correct.

14 Q. And did those individuals include many members of the
15 Winter Hill Gang?

16 A. Correct.

17 Q. Such as Howard Winter?

18 A. Correct.

19 Q. And Patrick Nee?

10:38 20 A. Correct.

21 Q. Did you withhold any information regarding those two
22 individuals?

23 A. No.

24 Q. Now, the paragraph continues, and it says, the last
25 sentence of that paragraph, "If his testimony is requested, he

1 must testify truthfully and completely before any grand jury
2 and at any hearing and trial regarding the following matters:
3 United States against Stephen Flemmi."

4 A. Correct.

5 Q. That was a case in front of Judge Wolf?

6 A. Yes.

7 Q. "United States against Stephen Flemmi," that was a case
8 before Judge Keeton?

9 A. Correct.

10:39 10 Q. "Any prosecution arising from the murders of Roger
11 Wheeler, John Callahan, or Brian Halloran"?

12 A. Correct.

13 Q. "Any prosecution of any individual identified in
14 attachment B appended hereto," correct?

15 MR. WYSHAK: And can we bring up attachment B?

16 It's page 17.

17 No, page 17 of this exhibit.

18 Q. And the names on this list include James Bulger?

19 A. Correct.

10:40 20 Q. Stephen Flemmi?

21 A. Yes.

22 Q. Kevin Weeks?

23 A. Yes.

24 Q. Kevin O'Neil?

25 A. Yes.

1 Q. John Curran?

2 A. Yes.

3 Q. Patrick Linskey?

4 A. Yes.

5 Q. George Hogan?

6 A. Yes.

7 Q. Is that correct?

8 A. That's correct.

9 Q. Going back to page 5, now.

10:41 10 Your agreement also provides in subparagraph e:

11 "Any prosecution brought against any current or former
12 member of local, state, or federal law enforcement, including,
13 without limitation, any prosecution based upon any illegal or
14 corrupt relationship between that individual and James Bulger
15 or Stephen Flemmi."

16 A. Correct.

17 Q. Is that correct?

18 And in the next paragraph, the agreement contains
19 language that there was nothing in this agreement that
10:41 20 prohibits any of the parties from subpoenaing you to testify
21 against anyone in any state or federal court proceeding.

22 A. Correct.

23 Q. Is that true?

24 You understood that to be the case, that you could be
25 called to testify in any case, just like any other citizen

1 subject to subpoena?

2 A. Correct.

3 Q. All right.

4 I'd like to show you what's been marked Government
5 Exhibits 1157 and 1158 for identification.

6 Do you recognize these two documents?

7 A. Yes.

8 Q. And what are those documents?

9 A. This is a letter of proffer.

10:43 10 Q. Is that the agreement between yourself and the D.A.'s
11 office in Miami?

12 A. Yes.

13 MR. WYSHAK: I offer it, your Honor.

14 THE COURT: Any objection to 1157?

15 MR. BRENNAN: No objection.

16 (Exhibit 1157 received into evidence.)

17 THE COURT: It may be admitted, published.

18 MR. WYSHAK: Could we put it up on the screen?

19 BY MR. WYSHAK:

10:43 20 Q. All right.

21 And this agreement provides that you will be charged
22 with the crime of murder in the second degree for the murder of
23 John Callahan in Miami, Florida; is that correct?

24 A. Correct.

25 Q. And you will testify truthfully and fully regarding that

1 murder?

2 A. Correct.

3 Q. In the State of Florida?

4 A. Yes.

5 Q. And paragraph 4, you will receive a sentence of 15 years
6 for that murder; is that fair to say?

7 A. Correct.

8 Q. And that that sentence will run concurrent with the
9 federal sentence that we just talked about.

10:44 10 A. Correct.

11 Q. And any sentence imposed by the State of Oklahoma for the
12 murder of Roger Wheeler.

13 A. Correct.

14 Q. Fair to say?

15 And did you -- have you gone to Miami, Florida and
16 testified regarding the murder of John Callahan?

17 A. Yes.

18 Q. And who did you testify against?

19 A. John Connolly.

10:44 20 Q. Who was John Connolly?

21 A. An FBI agent from Boston.

22 Q. And do you stand ready to go back to Florida, if
23 necessary, to testify in any other case pending in Florida
24 regarding that murder?

25 A. Correct.

1 Q. Showing you that other letter, do you have the letter
2 there, which is 1158? Do you see that?

3 A. Yes.

4 Q. Is that your agreement with the Tulsa County District
5 Attorney's Office?

6 A. Correct.

7 MR. WYSHAK: I offer it, your Honor.

8 THE COURT: Any objection?

9 MR. BRENNAN: No objection.

10:45 10 THE COURT: It may be admitted and published.

11 (Exhibit 1158 received into evidence.)

12 BY MR. WYSHAK:

13 Q. And again, this letter provides, does it not, that the
14 State of Oklahoma may file an information against you and other
15 named defendants for the crime of murder in the first degree?

16 A. Correct.

17 Q. And that you will agree to testify at any hearing, jury
18 trial, or any other hearings deemed necessary by the state?

19 A. Correct.

10:46 20 Q. Paragraph 3?

21 A. Yes.

22 Q. And that if you do that, they would amend the charge to
23 murder in the second degree?

24 A. Correct.

25 Q. And recommend a 15-year sentence, again, which would run

1 concurrent with the federal sentence and the sentence in the
2 State of Florida.

3 A. Correct.

4 Q. Did you go to Tulsa, Oklahoma and plead guilty?

5 A. Yes.

6 Q. And were you sentenced to 15 years concurrent with the
7 federal sentence?

8 A. Yes.

9 Q. And do you stand ready to testify at any trial that may
10:47 10 occur in Oklahoma regarding the murder of Roger Wheeler?

11 A. Yes.

12 Q. Other than the trial that you testified -- you told us
13 about in Florida, have you testified at any federal trials
14 pursuant to these agreements?

15 A. Yes.

16 Q. And what trial was that?

17 A. John Connolly.

18 Q. All right.

19 Now, when you were -- pursuant to the federal
10:47 20 agreement, you were debriefed; is that fair to say?

21 A. Correct.

22 Q. And during the course of that debriefing, did you confess
23 to the murders of eight other individuals that you committed
24 during the 1960s?

25 A. Yes.

1 Q. Is it fair to say that during that period of time, in the
2 1960s, you were not a member of the Winter Hill Gang?

3 A. Correct.

4 Q. And those murders were the murders of Robert Palladino?

5 A. Yes.

6 Q. A man named John Jackson?

7 A. Yes.

8 Q. A man named Anthony Veranis?

9 A. Yes.

10:48 10 Q. A man named Ronald Hicks?

11 A. Yes.

12 Q. And the murders of three individuals, Herbert Smith,
13 Douglas Barrett, and Elizabeth Dickson?

14 A. Yes.

15 Q. And the murder of a man named Jack Banno?

16 A. Yes.

17 Q. And you've never been charged with those murders; is that
18 fair to say?

19 A. Never.

10:49 20 Q. And prior to the time that you pled guilty pursuant to the
21 plea agreement that's been introduced into evidence as Exhibit
22 1159, had you ever been charged with any murder?

23 A. No.

24 Q. Had you ever been charged with any of the murders to which
25 you pled guilty or admitted to during the course of your

1 debriefing?

2 A. No.

3 Q. Had anyone ever been convicted for participating in any of
4 those murders?

5 A. No.

6 Q. So it's fair to say that they went unsolved?

7 MR. BRENNAN: Objection, your Honor, leading.

8 THE COURT: Sustained as to form, counsel.

9 BY MR. WYSHAK:

10:50 10 Q. Do you know if they were ever solved?

11 A. No.

12 Q. You were never charged, right?

13 A. No.

14 Q. Now, I'd like to direct your attention to January of 1995.

15 Do you recall that time period?

16 A. Yes.

17 Q. What happened then?

18 A. That's when I was arrested.

19 Q. Where were you arrested?

10:50 20 A. Delray Beach, Florida.

21 Q. And do you recall what the charges were at the time that
22 you were arrested?

23 A. Horse race fixing.

24 Q. And when had you been initially charged in that horse race
25 fixing case?

1 A. 1979.

2 Q. So what did you do between 1979 and 1995?

3 A. I was a fugitive.

4 Q. In addition to the charges that you were arrested on, that
5 race fix case, were additional charges filed against you in
6 July of 1995?

7 A. Yes.

8 Q. Did those charges include racketeering charges?

9 A. Yes.

10:51 10 Q. Loansharking charges?

11 A. Correct.

12 Q. Illegal gambling charges?

13 A. Correct.

14 Q. Extortion charges?

15 A. Correct.

16 Q. Money laundering charges?

17 A. Yes.

18 Q. And what was your understanding of the sentence you would
19 receive if you were convicted on those charges?

10:51 20 A. Well, my attorney, Marty Weinberg, at the time said facing
21 four, five, or six years.

22 Q. Okay.

23 And ultimately, pursuant to the plea agreement that
24 we've been discussing, Exhibit 1159, you pled guilty to those
25 charges as well as the ten murder charges in federal court.

1 A. Correct.

2 Q. That essentially increased your sentence; is that fair to
3 say?

4 A. Correct.

5 Q. When were you released from prison?

6 A. 2007.

7 Q. You were incarcerated from 1995 through 2007?

8 A. Correct.

9 Q. While you were incarcerated, did you receive any money
10:52 10 from the federal government?

11 A. Yeah, the government sent me some money.

12 Q. And what was the purpose of that money?

13 A. Commissary, like the toothpaste, toothbrushes, soap.

14 Q. Do you know what federal agency provided that money?

15 A. The DEA.

16 Q. DEA?

17 And do you know how much over the 12 or 13 years that
18 you were in prison, how much money that came to?

19 A. Around \$6,000.

10:53 20 Q. Now, your plea agreement provided that the government
21 would sponsor you for the Witness Protection Program, did it
22 not?

23 A. Correct.

24 Q. And when you were released from prison, did you opt to go
25 into the Witness Protection Program?

1 A. What do you mean, "opt"?

2 Q. Did you agree to go into the Witness Protection --

3 A. No, no.

4 Q. I mean, it was something that was offered to you?

5 A. Yes.

6 Q. You decided against it?

7 A. Correct.

8 Q. And instead, did you receive --

9 MR. BRENNAN: Objection, your Honor.

10:53 10 THE COURT: Counsel, which question?

11 MR. BRENNAN: The "instead" is the part of the
12 question that I'm objecting to.

13 THE COURT: Basis on that?

14 MR. BRENNAN: It's asking for an opinion. It's asking
15 for --

16 THE COURT: I'll let Mr. Wyshak repeat the question
17 again.

18 BY MR. WYSHAK:

19 Q. I only got out "instead."

10:54 20 Instead of going into the Witness Protection Program,
21 did you ask for a lump sum?

22 A. Correct.

23 Q. Money?

24 MR. BRENNAN: Objection, again.

25 THE COURT: And basis, counsel?

1 MR. BRENNAN: There's a suggestion that there's a
2 choice that he wished to make between two options.

3 THE COURT: Well, he can answer this question.

4 Overruled, counsel.

5 BY MR. WYSHAK:

6 Q. Did you receive a lump sum of money?

7 A. Yes.

8 Q. And how much was that?

9 A. \$20,000.

10:54 10 Q. What was that money for?

11 A. To get started when I come out of jail.

12 Q. And after you were released from prison in 2007, you were
13 on supervised release for five years?

14 A. Correct.

15 Q. And when did that end?

16 A. I don't know, '12, 2012.

17 Q. And what does that mean, to be on supervised release?
18 What did you have to do?

19 A. You had to report to a Probation Officer and not break any
10:55 20 rules and had to keep a job.

21 Q. And after you were -- you were released from prison, did
22 you have a job?

23 A. Yes.

24 Q. And what was that job?

25 A. I was working with my cousin.

1 Q. And what kind of business does he have?

2 A. Carpet tech.

3 Q. Also, after you were released from prison, did you appear
4 on a television show called "60 Minutes?"

5 A. Correct.

6 Q. Were you paid for that?

7 A. No.

8 Q. Since you were released from prison, have you earned money
9 by selling the rights to your life story?

10:56 10 A. Yes.

11 Q. Were you represented by an attorney in that transaction?

12 A. Correct.

13 Q. Who was that lawyer?

14 A. George Tobia.

15 Q. And who did you sell the rights to your life story to?

16 A. GK Films.

17 Q. How much did they pay for that?

18 A. To date, 250.

19 Q. 250,000?

10:56 20 A. Yes.

21 Q. Have they made a movie?

22 A. Not yet.

23 Q. I assume you hope they make a movie?

24 A. I'm hoping.

25 Q. If they make a movie, do you receive additional money?

1 A. Yes.

2 Q. Since you were released from prison, have you also -- did
3 you also enter into a book deal with a man named Howie Carr?

4 A. Correct.

5 Q. And who is Howie Carr?

6 A. He's a local writer for the Herald around here.

7 Q. What was the name of the book?

8 A. "Hitman."

9 Q. Mr. Martorano, were you a hit man?

10:57 10 A. No.

11 Q. Did anybody ever pay you to kill people?

12 A. No.

13 Q. Why did you let Mr. Carr name the book "Hitman"?

14 A. He thought it would sell better.

15 Q. What was your arrangement with Mr. Carr?

16 A. Fifty percent, I think.

17 Q. So did you receive an advance of \$110,000?

18 A. Fifty percent.

19 Q. You got half of that advance?

10:57 20 A. Correct.

21 Q. You got about fifty, fifty-five thousand dollars?

22 A. Correct.

23 Q. And have you earned royalties since the publication of the
24 book?

25 A. Correct.

1 Q. Approximately how much?

2 A. Maybe another 20.

3 Q. And what was your role regarding this book?

4 A. I gave him the rights to use my name.

5 Q. Did you write the book?

6 A. No.

7 Q. Who wrote the book?

8 A. Howie Carr.

9 THE COURT: Mr. Wyshak, is this a good place to take
10:58 10 our break?

11 MR. WYSHAK: Yes. This would be fine, your Honor.

12 THE COURT: Jurors, we'll take about a 20-minute
13 break, and then we'll come back. Thank you.

14 THE CLERK: All rise.

15 (Jury left the courtroom.)

16 THE COURT: Sir, you may step down, 20-minute recess.
17 Counsel, anything before we break?

18 MR. CARNEY: No, your Honor, thank you.

19 (Recess taken.)

20 (Whereupon, the Honorable Court entered the courtroom.)

21 THE COURT: The jury's coming in.

22 THE CLERK: All rise for the jury.

23 (Whereupon, the jury entered the courtroom.)

24 THE CLERK: Court is open. You may be seated.

25 THE COURT: Mr. Wyshak.

1 MR. WYSHAK: Thank you, your Honor.

2 Q. Mr. Martorano, before we broke, we were talking about the
3 book that Mr. Carr wrote?

4 A. Correct.

5 Q. Do you recall that?

6 A. Yes.

7 Q. Did you agree with everything that was in that book?

8 A. No.

9 Q. Did you have editorial control over what was written in
10 that book?

11 A. Not really.

12 Q. Were you represented by an attorney regarding your
13 dealings with that book?

14 A. Yes.

15 Q. Who was that lawyer.

16 A. George Tobia.

17 Q. Is he the same attorney who handled the movie deal?

18 A. Correct.

19 Q. Now I'd like to take you back to the early '60s and ask
20 you about a place called Luigi's.

21 A. Correct.

22 Q. What was Luigi's?

23 A. It was my family's restaurant.

24 Q. Where was at that located?

25 A. 699 Washington Street, Downtown Boston.

1 Q. When you say it was a restaurant, was it anything other
2 than a restaurant?

3 A. An after-hours place, also.

4 Q. And what is an "after-hours place"?

5 A. It's a place that sells liquor after the time limit.

6 Q. So if -- what was the time limit in those days?

7 A. The bars would close at 1:00. We'd open at 1:00.

8 Q. Did you work at Luigi's?

9 A. Yes.

10 Q. What did you do at Luigi's?

11 A. Doorman, manager.

12 Q. Did you work at the after-hours club?

13 A. Yes.

14 Q. Was it a location that was frequented by members of
15 organized crime?

16 A. Yes.

17 Q. Other than operating the after-hours club, was your father
18 involved in any illegal activities?

19 A. He was in-gambling, bookmaking.

20 Q. Was he partners with any particular individual?

21 A. At one time he was with Abie Sarkis.

22 Q. Who was Abie Sarkis?

23 A. A large bookmaker in Boston.

24 MR. WYSHAK: Could we put Exhibit No. 3 up?

25 Q. Showing you what's been marked Exhibit 3 in evidence, do

1 you recognize that individual?

2 A. Yes.

3 Q. Who was that?

4 A. My father.

5 Q. Did there come a time when you became involved in illegal
6 activities?

7 A. Yes.

8 Q. Approximately when was that?

9 A. Late '50s.

10 Q. What kind of illegal activities did you get involved in?

11 A. Gambling, bookmaking.

12 Q. When you say "gambling and bookmaking," can you describe
13 for us what you did?

14 A. Numbers, horses, dogs.

15 Q. Any other activity other than gambling and bookmaking?

16 A. Maybe some hot goods and stuff like that.

17 Q. What do you mean by "hot goods"?

18 A. Stolen property.

19 Q. Would you steal the property?

20 A. No.

21 Q. What did you do?

22 A. Bought it.

23 Q. You bought it, and then what did you do?

24 A. Resale.

25 Q. So acted as a fence, so to speak?

1 A. Yes.

2 Q. Are you familiar with a business known as the Basin Street
3 Club?

4 A. Yes.

5 Q. What was the Basin Street Club?

6 A. It was a nightclub.

7 Q. Where was it located?

8 A. South End of Boston, on the line of Roxbury.

9 Q. When you say "it was a nightclub," what happened there?

10 A. They had a nightclub, singing acts.

11 Q. Live acts?

12 A. Yes.

13 Q. What was your involvement with the Basin Street Club?

14 A. Managed it, worked at the door.

15 Q. Did your family own and operate the business from time to
16 time?

17 A. Off and on in the '60s, yes, sir.

18 Q. Now, I asked you about Luigi's. You told us you met
19 members of organized crime there?

20 A. Correct.

21 Q. I would like to ask you about some individuals.

22 Jimmy Flemmi, did you know him?

23 A. Yes.

24 Q. When did you meet him?

25 A. Early '60s.

1 Q. Who was Jimmy Flemmi, at that time?

2 A. Who was he?

3 Q. Yes.

4 A. He was a member of organized crime, a member of the
5 Roxbury Gang.

6 Q. Did you meet a man named name Stephen Flemmi during that
7 period, the '60s?

8 A. Yes, his brother.

9 Q. Did you meet a man named Frank Salemme during that period
10 in the '60s.

11 A. Yes.

12 Q. Did you also meet a name named "Wimpy" Bennett during this
13 period in the '60s?

14 A. Yes.

15 Q. And those four individuals I just discussed, were they
16 associated together?

17 A. Yes.

18 Q. What was the nature of that association?

19 A. They had a gang in Roxbury.

20 Q. When you say "they had a gang," what does that mean?

21 Can you explain for the jury what that means, to have a gang,
22 in the '60s?

23 A. A group of guys that got together and formed a gang.

24 Q. For what purpose?

25 A. Illegal purposes.

1 Q. Commit crimes?

2 A. Yes.

3 Q. What kinds of criminal activity were they involved in?

4 A. All kinds.

5 Anything.

6 Q. Anything they could make money on?

7 A. Yes.

8 Q. During the 1960s, did you also meet a man named Joe
9 Barboza?

10 A. Yes.

11 Q. Did he also have a gang?

12 A. Yes.

13 Q. Where did they operate?

14 A. East Boston.

15 Q. How about Arthur Bratsos, who was he?

16 A. A shylock from Boston.

17 Q. Was he associated with Mr. Barboza?

18 A. Yes, he was.

19 Q. What was the nature of the association?

20 A. Loaning money.

21 Q. Was he part of Mr. Barboza's gang?

22 A. Eventually, yes.

23 Q. Thomas DePrisco, who was he?

24 A. Another member of the gang.

25 Q. Chico D'Amico?

1 A. Another member.

2 Q. Nicky Femia?

3 A. Another member.

4 Q. And Jimmy Kearns?

5 A. Yes.

6 Q. Were you friendly with this group of individuals?

7 A. Yes.

8 Q. Did you also, during the 1960s, meet a name named Howie
9 Winter?

10 A. Yes.

11 Q. And who was Howie Winter?

12 A. He was the leader of the Winter Hill Gang at the time.

13 Q. Where was that gang located?

14 A. Somerville.

15 Q. Did you will meet a name named Joe McDonald during this
16 period?

17 A. Yes.

18 Q. Who was Joe McDonald?

19 A. Another member of Somerville.

20 Q. A man named James Sims?

21 A. Another member of Somerville.

22 Q. During this period, during the 1960s, was there a gang
23 war?

24 A. Yes.

25 Q. And can you describe for the jury who was involved in this

1 gang war?

2 A. There -- well, there was a gang war between Somerville and
3 Charlestown.

4 Q. Who was the Charlestown Gang at the time?

5 A. The McLaughlin Brothers, basically, and friends.

6 Q. The individuals we've just talked about from Roxbury,
7 Jimmy Flemmi, Stevie Flemmi, Frank Salemme, "Wimpy" Bennett,
8 were they involved in this gang war?

9 A. Yeah. They were lined up with Somerville.

10 Q. Were you involved in this gang war?

11 A. No.

12 Q. What happened to Mr. Barboza's gang during the '60s?

13 A. It got pretty much wiped out.

14 Q. And who wiped them out?

15 A. The Mafia.

16 Q. As a result of the Barboza gang being wiped out, as you
17 said, were you in any jeopardy?

18 A. No.

19 Q. How did you make sure that you were not in any jeopardy?

20 A. Well, I went down to see Raymond Patriarca, who was the
21 head of the Mafia at the time.

22 Q. Who arranged for you to meet with Raymond Patriarca?

23 A. "Wimpy" Bennett and Stevie Flemmi, I think.

24 Q. Who went with you when you met with Raymond Patriarca?

25 A. I think it was Bennett and my brother.

1 Q. Your brother, James?

2 A. James.

3 Q. What happened at that meeting?

4 A. Mr. Patriarca asked us how we stood on that, because a
5 couple of friends of mine got killed, and I said, I'm not
6 getting involved in it.

7 Q. When you say a couple of your friends had been killed, who
8 were the friends that you were referring to?

9 A. "Tash" Bratsos and Tommy DePrisco.

10 Q. As a result of this meeting with Mr. Patriarca, what
11 happened?

12 A. There was no problem between me and them.

13 Q. When you say "me and them," you mean me and the Mafia?

14 A. Correct.

15 Q. During this period of time in the '60s, were you involved
16 in any murders?

17 A. Yes.

18 Q. I'd to ask you about a woman named Margaret Silvestri
19 [ph.], who was she?

20 A. She was waitress in Luigi's Restaurant.

21 Q. This is the Luigi's Restaurant that your family operated?

22 A. Correct.

23 Q. At some point in time was she murdered?

24 A. Yes.

25 Q. Is that in approximately November of 1964?

1 A. I would say, yeah.

2 Q. Were you involved in that murder?

3 A. No.

4 Q. Where did that murder occur?

5 A. Luigi's Restaurant.

6 Q. When was her body recovered?

7 A. A few days later, I think, upstairs.

8 Q. Did there come a time when you had a conversation with Mr.
9 Flemmi, Stephen Flemmi, about this particular murder?

10 A. Yes.

11 Q. What did he say to you?

12 A. It was him and "Wimpy" Bennett, told me that there was a
13 couple of guys going to try to talk about the murder to the
14 police involving my brother.

15 Q. They were implicating your brother in this murder?

16 A. He said that they were going to try to implicate him.

17 Q. That's your brother, James?

18 A. Yes.

19 Q. As a result of that conversations, what did you do?

20 A. I went looking for the guys that he was talking about.

21 Q. Who were though guys?

22 A. Bobby Palladino and Johnny Jackson.

23 Q. Did you find any of them?

24 A. Yes.

25 Q. Who did you find first?

1 A. Bobby Palladino.

2 Q. Where did you find him?

3 A. He was playing cards in an after-hours joint.

4 Q. Did you have a conversation with him at that time?

5 A. Yeah. I told him I wanted to speak with him.

6 Q. What happened next?

7 A. He came downstairs with me and my brother and got in the
8 car. We went to talk to him, and he pulled a gun.

9 Q. What did you do?

10 A. He got a shot off, and then I shot him.

11 Q. What did you do with his body?

12 A. I left it down the North Station.

13 Q. Did you find this other fellow, John Jackson, at some
14 point?

15 A. Yes.

16 Q. Directing your attention to approximately
17 September 1966, were you involved in his murder?

18 A. Yes.

19 Q. Can you tell us what happened at that time?

20 A. He was sort of on the run. He was evading everybody. I
21 guess he was in there testifying. So we knew when he was
22 coming home one night and waited for him.

23 Q. Had your brother been indicted by that time?

24 A. I think he was indicted for accessory after the fact.

25 Q. When you say "we waited for him" to come home, who is the

1 "we"?

2 A. It was three other guys with me.

3 Q. Who were they?

4 A. Arthur Bratsos, Tommy DePrisco, and James Kearns.

5 Q. Those were the fellows who were part of Mr. Barboza's gang
6 at that time?

7 A. Correct.

8 Q. Did Mr. Jackson return home that night?

9 A. Yes.

10 Q. What happened when he returned home?

11 A. I shot him.

12 Q. Did you know a man name Tony Veranis?

13 A. Yes.

14 Q. Who was Tony Veranis?

15 A. A fighter from Southie.

16 Q. Did he have a -- did he become involved in a dispute with
17 your brother?

18 A. Correct.

19 Q. Can you tell us what that dispute was about?

20 A. My brother and Tommy DePrisco went down to a club that
21 they hang around in in Southie and wanted to collect some money
22 that was owed to them, and I guess they got roughed up and
23 pushed out.

24 Q. So you told us that Mr. DePrisco was a shylock?

25 A. Yes.

1 Q. And he had loaned money to Mr. Veranis?

2 A. Or someone in there, someone in the club.

3 Q. Who was it that roughed up your brother, Jimmy?

4 A. Veranis and the guys in there. It was about 10 or 20 of
5 them.

6 Q. At some point in time did you see this individual,
7 Veranis?

8 A. Yes.

9 Q. Where did you meet up with him?

10 A. I met up with him in an after-hour place in Roxbury.

11 Q. Which after-hours place? Do you recall?

12 A. One of the Bennett's places and Billy O'Sullivan's place.

13 Q. What happened at Billy O'Sullivan's place?

14 A. Veranis came over was with a couple of girls and "Tash"
15 Bratsos and started mouthing off about he just gave my brother
16 a beating, some stuff like that, and "F" him, "F" you, and went
17 to pull a gun, and I shot him.

18 Q. What did you do with his body?

19 A. I left it in the Blue Hills.

20 Q. Were there people in the bar at the time?

21 A. Yes.

22 Q. How many?

23 A. Thirty or 40.

24 Q. You were never charged with that crime?

25 A. No.

1 Q. I would like to direct your attention to January of 1968.

2 Did you know a man name Herbert Smith?

3 A. Yes.

4 Q. Who was Herbert Smith?

5 A. At the time he was a bouncer at Basin Street.

6 Q. At the time that he was working at Basin Street, were you
7 managing the business at that time?

8 A. No.

9 Q. Did you have a conversation with Stephen Flemmi about
10 Herbert Smith?

11 A. Yes.

12 Q. What was that conversation?

13 A. He said he went down there the night before and he was
14 looking for me, and Herbert Smith and a couple of guys gave him
15 a beating.

16 Q. So Mr. Flemmi was looking for you, and he got beat up by
17 Mr. Smith?

18 A. That's what he said.

19 Q. Do you know who else was involved in that beating?

20 A. A couple of guys there. I this it was a Ralphie -- I
21 mean, Careoka [ph.] Lamattina and another guy with him.

22 Q. As a result of learning this from Stephen Flemmi, what did
23 you do?

24 A. I went down to see what happened.

25 Q. When you say you went down to see what happened, where did

1 you go?

2 A. Basin Street.

3 Q. What happened when you got to the Basin Street Club?

4 A. I had a conversation with Herbert Smith.

5 Q. What did he say to you and what did you say do him?

6 A. He started laughing about giving Stevie a beating, and
7 that was it.

8 Q. When you say "that was it," what does that mean?

9 A. That's when we decided to shoot him.

10 Q. Were you with anybody else at the time?

11 A. Yes.

12 Q. Who was that?

13 A. Steve "The Greek" Brucias.

14 Q. What happened next?

15 A. I told Smith to meet me later.

16 He knew of a new after-hour joint in Roxbury, and I
17 said, I will meet you at the corner near the place, and we'll
18 go in. I got to stop and pick up some money to play with.

19 Q. What did you pick up?

20 A. A .38.

21 Q. A gun?

22 A. Yes.

23 Q. Can you describe the weather that evening?

24 A. Blizzard. Three o'clock in the morning. It was like a
25 real bad snowstorm.

1 Q. Did there come a time when you met with Mr. Smith?

2 A. Yes.

3 Q. And when you met with him, where was he?

4 A. He was sitting in his car at the corner waiting.

5 Q. Were there any other individuals in the car?

6 A. I saw three -- the shadows of three silhouettes. Yes,
7 three people in the car.

8 Q. What did you do?

9 A. Well, he was supposed to be there alone to meet me, but he
10 was with two other people. So I thought they might have the
11 same idea with me. So when I got in the car, I just shot three
12 times.

13 Q. You killed three people?

14 A. Yes.

15 Q. What did you do after you shot these people?

16 A. My ride didn't pick me up. I had to walk out of there in
17 the snow and wash up in the snow.

18 Q. Where did you go?

19 A. Then I hitched -- got a ride from a taxi on Blue Hill Ave.
20 And went to Stevie Flemmi's house.

21 Q. Did you later learn that one of the people in the car was
22 a female?

23 A. Yes, I did.

24 Q. And the other person was a teenager?

25 A. Yes.

1 Q. How did you feel after you learned that?

2 A. I felt terrible. The first initial -- I wanted to shoot
3 myself, but can't change it.

4 Q. During this time period in the '60s, did you also meet a
5 man named Ronald Hicks?

6 A. Yes.

7 Q. Who was Ronald Hicks?

8 A. Ronald Hicks was a member of NEGRO, an organization in
9 Mattapan.

10 Q. Is that the New England Grassroots Organization?

11 A. Yes.

12 Q. What kind of organization was that?

13 A. Development of the community, I think.

14 Q. Did you know a man named Deke Chandler?

15 A. Yes.

16 Q. And two individuals known as the Campbell Brothers?

17 A. Yes.

18 Q. What involvement did they have with this New England
19 Grassroots Organization?

20 A. They had an argument with them. They were involved in it,
21 too, but there was internal arguing between them.

22 Q. And what happened?

23 A. And the Chandler -- I mean Deke Chandler and the Campbell
24 Brothers went in and killed three of them and shot the fourth
25 one, and he lived.

1 Q. So Ronald Hicks was the survivor?

2 A. Yes, he was the fourth one.

3 Q. Were the Campbells and Mr. Chandler, were they arrested?

4 A. Yes.

5 Q. Indicted?

6 A. Yes.

7 Q. Were you approached by a woman named Bert Campbell?

8 A. Yes.

9 Q. Who was Bert Campbell?

10 A. She was a girl from the South End who was a friend of
11 mine. I had been friendly with her for years.

12 Q. Was she related to either of the Campbells?

13 A. Yes, she was Alvin Campbell's wife.

14 Q. Did you have a conversation with Bert Campbell?

15 A. Yes.

16 Q. What did she say to you?

17 A. She said, My husband is locked up in jail, and they were
18 looking for some help for the attorneys.

19 Q. And did you decide you were going to help Bert Campbell?

20 A. Yes.

21 Q. How did you go about helping Bert Campbell?

22 A. I shot Hicks.

23 Q. How did that happen?

24 A. Well, I met him. I was going to try to talk him out of
25 testifying, but he wasn't going to hear it, so I decided that's

1 the best way to help her.

2 He was -- he had a reputation of selling drugs and a
3 pimp and stuff like that, so he wasn't a reputable guy.
4 But he wanted to testify against these guys to get even with
5 them.

6 Q. As a result of shooting Mr. Hicks, did you generate a
7 relationship with the Campbell Brothers and Mr. Chandler?

8 A. Yes. They came down, and I met them after they got out.
9 They were released immediately.

10 Q. And did you begin a criminal relationship with them?

11 A. Yes.

12 Q. What kind of criminal activity were they involved in?

13 A. They ended up getting in some of the drug business.
14 They were basically bank robbers, but they were trying to do
15 different things. I tried to convince them to take numbers.

16 Q. Also during this time period in the late '60s, did you
17 have a run-in with an individual named Jack Banno?

18 A. Yes.

19 Q. Who was he?

20 A. He is a guy that was having a beef with the Campbell
21 Brothers.

22 Q. What kind of beef?

23 A. Argument. They were shooting at each other, I guess.

24 Q. Did there come a time when you met up with Mr. Banno?

25 A. Yes.

1 Q. Where did that occur?

2 A. Outside the Sugar Shack in Boston.

3 Q. Where was the Sugar Shack located?

4 A. Boylston Street, Boston, downtown.

5 Q. What happened at the Sugar Shack?

6 A. He came at me in an alley with a knife when I walked out.
7 I was on a date with a lady.

8 Q. What did you do?

9 A. Took his knife and stabbed him.

10 Q. After you stabbed him, what happened?

11 A. Then I put him in the car. I was going to take him and
12 throw him out so he could make his way to the hospital, and it
13 started up again, and I ended up killing him.

14 Q. Where did you leave his body?

15 A. South End.

16 Q. Now, at or about this time, 1969, did your friend, Stephen
17 Flemmi, get indicted for murder?

18 A. Yes.

19 Q. Did he get indicted for bombing a lawyer's car?

20 A. Yes.

21 Q. Who was the lawyer whose car he bombed?

22 A. John Fitzgerald, Joe Barboza's attorney.

23 Q. As a result of being indicted, what did Mr. Flemmi do?

24 A. He became a fugitive.

25 Q. Did he become a fugitive alone or was --

1 A. No. He was with Frank Salemme.

2 Q. At some point did you make contact with Mr. Flemmi?

3 A. Yes.

4 Q. Approximately how long after Mr. Flemmi became a fugitive
5 did you make contact with him?

6 A. Maybe a year or two.

7 Q. During this period when he was a fugitive, did you give
8 any money to his family?

9 A. Yes.

10 Q. Who did you give money to?

11 A. His girlfriend.

12 Q. What was her name?

13 A. Marion Hussey.

14 Q. Did there come a time while Mr. Flemmi was a fugitive that
15 you visited him?

16 A. Yes.

17 Q. Where did you visit him?

18 A. In Montreal.

19 Q. Were you alone?

20 A. No.

21 Q. Who were you with?

22 A. Howie Winter, Brian Halloran and a female.

23 Q. Who was Brian Halloran?

24 A. He was a heavy drinker from Somerville, Charlestown.

25 Q. A friend of yours or a friend of Howie Winter's?

1 A. A friend of Howie's.

2 Q. What did you do up in Montreal with Stephen Flemmi?

3 A. We took him out to dinner, and we introduced him to some
4 guys up there.

5 Q. Did you know, during this period of time, a man named Bob
6 Dadiecco?

7 A. I didn't know him, but we knew of him.

8 Q. Who was Bob Dadiecco?

9 A. He was a witness in the Fitzgerald case against Stevie and
10 Frankie.

11 Q. Did you or Mr. Winter have contact with Mr. Dadiecco?

12 A. Yes.

13 Q. What kind of contact?

14 A. Dadiecco reached out to Howie. He wanted to see how he
15 could straighten out the case. He didn't want to testify
16 against Stevie.

17 Frankie already got 30 years, and he wanted to figure
18 out a way not to.

19 Q. So Mr. Flemmi had been captured?

20 A. Salemmme.

21 Q. I'm sorry.

22 Mr. Salemmme had been captured?

23 A. Yes.

24 Q. Mr. Dadiecco had testified against him?

25 A. Yes.

1 Q. Did you make an arrangement with Mr. Dadiecco?

2 A. Yes.

3 Q. What was that arrangement?

4 A. That if we bought -- he had no transportation. We said
5 we'd buy him a truck. He was with the FBI, or somebody was
6 guarding him, and if he -- he said if he could get a truck and
7 get away and, if he had some money, he'd he stay away.

8 So we gave him both.

9 Q. As a result of that, at some point did Mr. Flemmi come
10 back to Boston?

11 A. Yes.

12 Q. Do you remember approximately when that was?

13 A. May of '74.

14 Q. Now, I'd like to go back a few years earlier.

15 Were you familiar with a location known as Duffy's
16 Bar?

17 A. Correct.

18 Q. What was Duffy's Bar?

19 A. It was a tavern me and my brother had.

20 Q. Where was that located?

21 A. On Columbus Ave. In the South End.

22 Q. At some point, did you want to expand Duffy's and turn it
23 into a bigger business?

24 A. Correct.

25 Q. What was the name of that bigger business?

1 A. Chandler's Restaurant.

2 Q. Who were the partners in Chandler's Restaurant?

3 A. Myself, my brother, Howie Winters [sic], Joe Mack --
4 McDonald and Jimmy Simms.

5 Q. So these were the individuals from Somerville that you had
6 previously talked about, Joe McDonald and Jimmy Sims?

7 A. Yes.

8 Q. Howie Winter?

9 A. Correct.

10 Q. Directing your attention to approximately 1972, the early
11 1970s, did you meet a man named James Bulger?

12 A. Yes.

13 Q. Do you see him sitting here in court today?

14 A. Yes. Right there (indicating).

15 MR. WYSHAK: Indicating the defendant, your Honor?

16 THE COURT: The record may so reflect.

17 Q. How did that come about?

18 A. He came into Duffy's and introduced himself, and he was a
19 friend of a friend of mine, Billy O'Sullivan. And Billy
20 O'Sullivan just got killed in the Southie gang war. And
21 "Whitey" wanted to call it a truce with the other side.

22 So he asked me to get in touch with Howie Winters to
23 try to intervene with the other side and him and sit down and
24 patch it up and end it.

25 Q. When you say "the other side," who was the other side?

1 A. The Mullins Gang.

2 Q. So Mr. Bulger was --

3 A. Killeen.

4 Q. -- involved in a gang war?

5 A. Yes.

6 Q. What was his group known as?

7 A. Killeens.

8 Q. The Killeens?

9 A. Yes.

10 Q. Did you arrange for a meeting between Mr. Bulger and
11 Mr. Winter?

12 A. Yes.

13 Q. Where did that meeting take place?

14 A. I believe at Chandler's Restaurant, before it was opened,
15 I think.

16 Q. Who was present at the meeting?

17 A. I think it was "Whitey" Bulger, Howie Winters, and the
18 other guys, Tommy King, Pat Nee, and Jimmy Mantville, I think.
19 And myself and my brother were at a different table somewhere
20 else in that room.

21 Q. And these individuals, Pat Nee, Tommy King, Mantville, who
22 were they?

23 A. They were members of the Mullins Gang.

24 Q. They were members of the faction that Mr. Bulger was
25 fighting with?

1 A. Correct.

2 Q. As a result of that meeting, what happened?

3 A. They patched it up.

4 Q. After that meeting at Duffy's -- or Chandler's, did you
5 meet with Mr. Bulger again?

6 A. Yes. At that point, a few times.

7 Q. And did he make a proposal to you?

8 A. Yeah.

9 Well, now they were all together in Southie, and they
10 wanted to expand and try to do new businesses and mentioned
11 maybe we should get into the sports business or the gambling
12 business somehow.

13 Q. When you say that "they were all together in Southie,"
14 what does that mean?

15 A. That the Killeen Gang and the Mullins Gang were all one
16 gang now.

17 Q. And who was in charge of that gang now?

18 A. Well, "Whitey" seemed to surface as the leader, as the
19 spokesperson then, basically the leader over there.

20 Q. When he proposed this joint venture in the sports
21 business, what did you understand he was proposing to you?

22 A. To go out and try to round up some independent bookmakers
23 and get in the gambling business somehow.

24 Q. When you say "round up," what does that mean?

25 A. You go get them and talk to them, people that we found out

1 to be independent, not connected with the Mafia and stuff like
2 that.

3 Q. So if a bookmaker wasn't connected with the Mafia, you
4 could approach him and do what?

5 A. Have him do business with us.

6 Q. Was this optional?

7 A. No.

8 Q. When you say "have them do business with us," what do that
9 mean?

10 A. Do business with us or get out of the business.

11 Q. So they didn't have much of a choice in the matter; is
12 that fair to say?

13 A. Correct.

14 Q. Did you, in fact, go into this business with
15 Mr. Bulger's South Boston group?

16 A. Yes.

17 Q. Who else, besides you and Mr. Bulger, went into this
18 business together?

19 A. Howie Winters, Joe McDonald, Jimmy Sims, and myself.

20 Q. What was the financial arrangement between the five of you
21 at that time?

22 A. At the beginning, we gave "Whitey" a third and we cut up
23 the rest for the other four.

24 Q. Why did he get a third if there were five partners?

25 A. He still had four, five, six guys to cut this up with.

1 Q. Did you, in fact, start rounding up bookmakers?

2 A. Yes, we did.

3 Q. And go into the gambling business?

4 A. Yes.

5 Q. I'd like to ask you about an individual named Gerry

6 Angiulo. Did you know him?

7 A. Yes.

8 Q. Who was Gerry Angiulo at the time?

9 A. He was the head of Mafia.

10 Q. Was that in Boston?

11 A. Hm-hmm.

12 Q. Does he report -- what was his relationship with Raymond
13 Patriarca?

14 A. Raymond was above him, but he was over here.

15 Q. When you say "he was over here," you mean Gerry
16 Angiulo --

17 A. Was in Boston, yeah.

18 Q. And what kind of relationship did you have with Mr.
19 Angiulo?

20 A. I don't know what you -- I don't know how to put that.

21 We knew each other.

22 Q. How about Howie Winter?

23 A. He had a business relationship with him.

24 Q. What kind of business relationship?

25 A. He was in the gambling business, and if he needed money,

1 he would get it from Gerry.

2 Q. Did you, in fact, start financing this venture with
3 Mr. Bulger by borrowing money from Gerry Angiulo?

4 A. That was down the road somewhere.

5 Q. Did you know a man named Paulie Folino?

6 A. I knew of him.

7 Q. And was there a time when he was murdered?

8 A. Yes.

9 Q. Did you have a conversation with Gerry Angiulo about
10 Paulie Folino?

11 A. Yes.

12 Q. Who was present at that conversation?

13 A. Myself and Howie Winter.

14 Q. Can you tell us what happened at that meeting?

15 A. Gerry explained that this guy killed -- this guy, Al
16 Notarangeli, killed his agent.

17 Q. When you say "his agent," that's Mr. Folino?

18 A. Mr. Folino, yes.

19 Q. And what was Mr. Falena's relationship with Gerry Angiulo?

20 A. He was in business with him somehow.

21 Q. Gambling?

22 A. Yes.

23 Q. What else did Mr. Angiulo tell you about this fellow Al
24 Notarangeli?

25 A. That he was a loose cannon, that he was very dangerous,

1 and we should be watching out for him ourselves.

2 Q. As a result of that conversation, did Mr. Angiulo provide
3 you with any additional information?

4 A. Yes.

5 He gave us -- he wanted us to help him locate him at
6 first, and then he was trying to look for help from us, and
7 eventually we decided to help him.

8 Q. And how did you go about helping Mr. Angiulo? What you
9 decide?

10 A. We decided to look for Al Notarangeli and take him out.

11 Q. When you say "take him out," you mean kill him?

12 A. Yes.

13 Q. Was Mr. Bulger part of that decision?

14 A. Yes, I believe so.

15 Q. How did you identify Mr. Notarangeli?

16 A. I don't follow you.

17 Q. Did you know him personally?

18 A. No, no. Somebody else knew him.

19 Q. When you say "somebody else," who did you mean?

20 A. A fellow named John Hurley knew what he looked like.

21 Q. I would like to direct your attention to about March 8,
22 1973.

23 Is that about the time when you were looking for this
24 individual, Al Notarangeli?

25 A. Yeah.

1 Q. And how was it that you went about looking for him?

2 A. We had pictures of him and his friends, or his gang, and
3 places where he frequented, places he owned, and where he
4 lived, his cars. We were getting a lot of information from
5 Gerry. And we spread it out with friends of ours, and they
6 would go out looking.

7 Q. When you say you "spread it out with friends" of yours and
8 they would go out looking, who were these people that were
9 looking for Al Notarangeli?

10 A. They would be associates of Somerville and South Boston.

11 Q. Did there come a time when you received information that
12 Al Notarangeli had been located?

13 A. Yes.

14 Q. At that time you received that information, what did you
15 do?

16 A. We headed towards the area he was in.

17 Q. What was that area?

18 A. It was in North Station, Mother's Cafe, I think.

19 Q. When you say "we headed towards that area" --

20 A. A few cars went out there, yeah.

21 Q. A few cars? What's a "few cars"?

22 A. Well, in the main car, which was a boiler, a stolen car, I
23 was in the main car with Howie Winter and Jimmy Sims, and this
24 was the car with all the guns.

25 Q. You used this term "boiler." What does that mean?

1 A. A stolen car.

2 Q. And the other cars involved?

3 A. Were legitimate cars.

4 Q. And why would the other cars be legitimate cars?

5 A. Well, in case we had a run-in with the police, they could
6 crash into the car, and it would be legal.

7 Q. Disrupt the police --

8 A. Yeah.

9 Q. -- from catching you?

10 A. Yeah, stop them from catching us.

11 Q. And on this day, March 8, 1973, who was in some of the
12 other cars?

13 A. Well, the second car was Jack Curran's car, and "Whitey"
14 Bulger was driving that. That was a combination both crash car
15 possibly and radio car, because "Whitey" could get on the
16 police scanner and hear if they were coming.

17 Q. When you say a "radio car," how were you communicating
18 with that car?

19 A. All cars that were out on surveillance had walkie-talkies.
20 We could all talk to each other.

21 Q. When you say all the guns were in the boiler, what kind of
22 guns?

23 A. We had a machine gun -- a couple of machine guns, I think,
24 at that time.

25 Q. How did you have access to these guns and stolen cars?

1 A. Well, Howie and Somerville had it all set up from the gang
2 war they were in. They had a string of garages with hot cars
3 and tools and all kinds of equipment. And those were the cars
4 we used.

5 Q. When you say "equipment," what do you mean by "equipment"?

6 A. Guns, and then there was uniforms -- and it was everything
7 in there.

8 Q. Masks?

9 A. Masks, yeah.

10 Q. Did you use masks when you went in the boiler?

11 A. Yeah. Most of the time we had them. Sometimes we'd put
12 them on, sometimes not.

13 Q. All right.

14 So this night, March 8, 1973, you go out in the boiler
15 and you're with Sims and Winter?

16 A. Yes.

17 Q. And Mr. Bulger is behind you?

18 A. Yes.

19 Q. And did you proceed to the vicinity of North Station?

20 A. Yes.

21 Q. What happened when you got to that area?

22 A. We had to send somebody in to find out if that was him in
23 there, Al Notarangeli.

24 Q. And who was it that you sent into Mother's?

25 A. John Hurley from Charlestown said he knew him. So he

1 went.

2 Q. And did you receive information from Mr. Hurley?

3 A. Yes.

4 Q. How did you get that information?

5 A. I am not sure if he came over to the car or he called it
6 in on the radio. Probably on the radio.

7 Q. What was the information?

8 A. That that was Al in the bar.

9 Q. What's the next thing that happened?

10 A. Then he left the bar. Al -- supposedly was Al, left the
11 car -- left the bar and got in the car and drove off, headed
12 toward Brighton.

13 Q. Was kind of car was it?

14 A. A brown Mercedes.

15 Q. Did you follow that car?

16 A. Yes.

17 Q. Did there come a time when you caught up with the car?

18 A. Yes.

19 Q. What happened then?

20 A. We pulled up to the side and gave it what you'd call a
21 "broadside."

22 Q. When you say gave it a "broadside," what do you mean?

23 A. Both guns were shooting at it.

24 Q. Who was shooting?

25 A. Myself and Winters, I believe.

1 Q. Mr. Winter?

2 And you had a machine gun?

3 A. Yes.

4 Q. Was this -- what time of day did this occur?

5 A. Probably two or three in the morning.

6 Q. I'd like to show you what's been marked for identification
7 as Exhibits 106 through 109.

8 MR. WYSHAK: May I approach, your Honor?

9 THE COURT: You may.

10 Q. Showing you those photos, do you recognize that vehicle?

11 A. Yes.

12 Q. What do you recognize it to be?

13 A. Pardon me.

14 Q. What do you recognize it to be?

15 A. It's a Mercedes. I don't know if it's brown or not.

16 Q. Is that the Mercedes you shot up that night?

17 A. That's the Mercedes, yes.

18 MR. WYSHAK: I offer those four photographs, your
19 Honor.

20 THE COURT: Any objection, Mr. Brennan?

21 MR. BRENNAN: No, your Honor.

22 THE COURT: They may be admitted. I think you said
23 106 through 109?

24 MR. WYSHAK: Yes.

25 THE COURT: They maybe admitted and published.

1 (Government's Exhibit No. 106-109 received in
2 evidence.)

3 Q. That looks like the car you shot up; is that fair to say,
4 Mr. Martorano?

5 A. Yes, that's it.

6 MR. WYSHAK: Can you put the photo up, 107.

7 (Exhibit published to the jury.)

8 MR. WYSHAK: The next one.

9 (Exhibit published to the jury.)

10 MR. WYSHAK: The next one.

11 (Exhibit published to the jury.)

12 Q. All right, now, was Al Notarangeli in the car that night?

13 A. No, he wasn't.

14 Q. Who did you learn was in that car?

15 A. A guy named Michael Milano.

16 Q. Were there other occupants in the vehicle?

17 A. A couple of other people, too.

18 Q. And did Milano die?

19 A. Yes, he did.

20 Q. He was the wrong guy; is that fair to say?

21 A. Wrong guy.

22 Q. After this shooting, did you have a conversation with Mr.
23 Bulger?

24 A. Yes I did.

25 Q. What did he say to you?

1 A. He was trailing in the car behind. He said, It looked
2 like the car exploded.

3 Q. During this period of time, did you know a man named Bobby
4 Labella?

5 A. Correct.

6 Q. And who Bobby Labella?

7 A. He ran an after-hours joint in the North End.

8 Q. Did you get something from him?

9 A. Yes. I got a machine gun from him.

10 Q. Whose machine gun was that?

11 A. Stevie Flemmi's.

12 Q. After the failed attempt on March 8, 1973, to kill Al
13 Notarangeli, did you keep looking for him?

14 A. Yes.

15 Q. Can you tell us what your thought process was at that
16 time?

17 A. That we should hurry up and get him, because now he knows
18 somebody is looking for him.

19 Q. What did you do in an effort to locate Al Notarangeli?

20 A. We kept cars going out.

21 Q. When you say "we," who do you mean?

22 A. Winter Hill.

23 Q. And who was Winter Hill at this time?

24 A. Winter Hill had a lot of associates, all the guys from
25 Southie.

1 Q. Who was -- who were the decision-makers of Winter Hill?

2 A. Myself, Howie Winters, Joe McDonald, Jimmy Simms, and
3 "Whitey".

4 Q. When you made decisions, was it a group decision?

5 A. Yes.

6 Q. Did there come a time when you received information
7 regarding Al Notarangeli's location?

8 A. Yes.

9 Q. Was this about ten days later, March 18, 1973?

10 A. Yes.

11 Q. What information did you receive?

12 A. That he was at a restaurant down in the North End on the
13 wharf somewhere.

14 Q. What did you do then?

15 A. The cars headed out that way.

16 Q. When you say "the cars," what car were you in?

17 A. I was in the same, the number one car, the boiler.

18 Q. Who were you with?

19 A. Jimmy Sims and Howie Winter.

20 Q. Was Mr. Bulger -- did he participate in that?

21 A. Yes. He was in the radio car.

22 Q. All right. You mentioned that he would drive a car owned
23 by Jack Curran?

24 A. Yes.

25 Q. What kind of car was that, do you recall?

1 A. I am not sure. It was a two-door green car, maybe a Chevy
2 or something like that, Oldsmobile or Chevy.

3 Q. Did you always have more cars than just the boiler?

4 A. Yes.

5 There could be three or four cars around,
6 surveillance, that'd just stop at the house and pick up a
7 walkie-talkie and go out looking. So while they were looking,
8 if we were in the area, we could still hear them from everybody
9 calling in.

10 Q. Did there come a time that evening on March 18, 1973, when
11 you found Al Notarangeli's car?

12 A. Yes.

13 Q. And where? Can you tell us where you found it?

14 A. Well, it was a -- it was a car that he was in. I don't
15 know if it was his car. It was the Aquarium Restaurant.

16 Q. Did you follow that car?

17 A. Then we followed that car, yeah.

18 Q. Where did you follow that car?

19 A. It headed up toward North Station.

20 Q. Were there other occupants in the car other than the
21 driver?

22 A. I believe there were four people in the car.

23 Q. Did there come a time when you caught up with the car?

24 A. Yes.

25 Q. Can you tell us what happened at that time?

1 A. We pulled up to the car and gave it another broadside.

2 Q. Was there anything unusual that occurred while you were
3 shooting that car?

4 A. A car came out of a side street, and we couldn't see it,
5 but Jimmy had to cut in front of the car.

6 Q. And as a result of that happening, what did you do?

7 A. Spun around and started shooting through the back window.

8 Q. Of your car?

9 A. Yes.

10 Q. Did you hit the car that Mr. Notarangeli was in?

11 A. Yes.

12 MR. WYSHAK: May I approach, your Honor?

13 THE COURT: You may.

14 Q. I'd like to show you what's been marked as Exhibit 118 for
15 identification and ask if you recognize that photo?

16 A. Yes.

17 Q. What is it?

18 A. That's the car that evening.

19 MR. WYSHAK: I offer it, your Honor.

20 THE COURT: Any objection?

21 MR. BRENNAN: No objection.

22 THE COURT: It may be admitted.

23 (Government's Exhibit No. 118 received in
24 evidence.)

25 MR. WYSHAK: Can we put it up on the screen?

1 (Exhibit published to the jury.)

2 Q. Did you have a conversation with Mr. Bulger after this
3 shooting?

4 A. Yes.

5 Q. What was that conversation about?

6 A. Well, he thought he was going to get shot, because there's
7 tracer bullets in the machine gun, and they were going over his
8 head when he was behind us.

9 Q. Who were the shooters that night?

10 A. Me and Howie Winter.

11 Q. And Mr. Bulger was angry that he almost got shot?

12 MR. BRENNAN: Objection, leading.

13 THE COURT: Well, sustained as to the form.

14 Q. Was he angry?

15 A. Well, sort of joking about it.

16 Q. Did you learn shortly after that shooting whether or not
17 you had killed Al Notarangeli?

18 A. Yes.

19 Q. What were the results?

20 A. No. He didn't get killed.

21 Q. Did you learn that somebody else was killed?

22 A. Yes.

23 Q. Who was killed?

24 A. A guy by the name of Plummer.

25 Q. Did you continue looking for Al Notarangeli after that?

1 A. Yes.

2 Q. At some point did you target a man named Ralph DiMasi?

3 A. Yes.

4 Q. And how did that come about?

5 A. Ralph DiMasi reached out through one of the guys in
6 Southie, Tommy King, and he wanted to meet up with him to try
7 to buy some guns. He was friends with Al.

8 Q. Did Tommy King meet with Ralph DiMasi?

9 A. Yes, he did.

10 Q. Do you know where he met with him?

11 A. I think it was a restaurant named Linda Mae's in
12 Dorchester.

13 Q. As a result of that meeting, did you proceed to that
14 location?

15 A. Yes.

16 Q. Again, can you describe what happened?

17 A. Well, we followed the car when it left the meeting with
18 Tommy King.

19 Q. When you say "we," who do you mean?

20 A. I was in the car. I believe maybe, possibly that "Whitey"
21 was driving that night. I'm not sure.

22 And I am not sure if they were cars from Somerville or
23 Southie. And there was a third guy in the back seat, too. I
24 think it was Howie, I think, was with me.

25 Q. You said you observed the car leaving that Mr. DiMasi was

1 in?

2 A. Yes.

3 Q. Do you recall where this was at the time?

4 A. Morrissey Boulevard.

5 Q. What did you do?

6 A. We passed the car and shot into it.

7 Q. And, again, what were the results of the shooting, do you
8 recall?

9 A. The driver, a fellow by the name of O'Brien, got killed,
10 and DiMasi got wounded.

11 Q. Did this occur on or about March 24, 1973?

12 A. I guess so, yeah.

13 Q. And this is happening all in March of 1973; is that fair
14 to say?

15 A. Yes.

16 Q. Within weeks?

17 A. (No response.)

18 Q. During this period of time, in addition to the machine gun
19 you got from Mr. Labella, did you acquire any other machine
20 guns?

21 A. Yes.

22 Q. Who did you get those machine guns from?

23 A. I think a friend of ours, Nicky Femia, got them in New
24 York.

25 Q. Was he previously associated with Joe Barboza?

1 A. Yes.

2 Q. How many machine guns did you get from Mr. Femia?

3 A. I believe it was six.

4 Q. What happened with those machine guns?

5 A. Three went to Somerville and three went to Southie.

6 Q. When you say "Southie," who was Southie?

7 A. "Whitey" and his gang.

8 Q. During the course of looking for Al Notarangeli, did you
9 focus on a man named James Leary?

10 A. Yes.

11 Q. Who was James Leary?

12 A. A friend of Al Notarangeli's.

13 Q. Did you learn -- did there come a time when you learned
14 that he had fled Massachusetts?

15 A. Yes.

16 Q. Did you locate him?

17 A. Yes.

18 Q. What happened to him?

19 A. Jimmy Sims and Joe McDonald went down to Florida to find
20 him.

21 Q. What did they do when they found him?

22 A. Killed him.

23 Q. Now, I'd like to direct your attention to April of 1973,
24 the next month.

25 Did you know a man named Charlie Rasso?

1 A. Yes.

2 Q. Who was Charlie Rasso?

3 A. He was a bookmaker.

4 Q. Did you receive a call from him, or did one of the members
5 of the Winter Hill Gang receive a call from him?

6 A. Yeah, somebody received a call.

7 Q. What was that call?

8 A. I guess Joe Notarangeli wanted to speak to Howie.

9 Q. Who was Joe Notarangeli?

10 A. Al's brother.

11 Q. What was Mr. Rasso's relationship with Joe Notarangeli?

12 A. They were in the bookmaking business together, I believe.

13 Q. Did you arrange to -- or did Mr. Winter arrange to make a
14 call to Joe Notarangeli?

15 A. Yes.

16 Q. How did that come about?

17 A. A number was given to somebody in Somerville for Howie to
18 call Joe at a certain time at this number.

19 Q. And were you able to locate that number?

20 A. Yes.

21 Q. How did you do that?

22 A. I called a phone company.

23 Q. What did you do?

24 A. I told him my kid was at that phone booth, and he was
25 looking -- waiting for me to pick him up, but he ran out of

1 change before -- the change went down before he told me the
2 address, and I don't know where it is. So the superintendent
3 got on and gave me the address.

4 Q. Where did you learn that that telephone came back to?

5 A. The Pewter Pot restaurant in Medford.

6 Q. Was there a specific time when Mr. Notarangeli was
7 supposed to call Mr. Winter?

8 A. Yes. Mr. Winter was calling him.

9 Q. At that number?

10 A. Yes.

11 Q. So you knew the time; is that fair to say?

12 A. Correct.

13 Q. And at or about that time what did you do?

14 A. Headed that way.

15 Q. Who were you with?

16 A. Joe McDonald.

17 Q. How were you dressed that on that day?

18 A. I had a construction yellow hat on, a pair of sunglasses,
19 a full beard, a long, white meat-cutter's coat.

20 Q. Was there anybody, other than you and Joe McDonald
21 involved?

22 A. Yeah, there was always a few other cars involved. And I'm
23 not sure who was in them, because I could only hear people over
24 the radio.

25 Q. Did somebody go into the Pewter Pot before you did?

1 A. Yes.

2 Q. Who was that?

3 A. John Hurley was given another chance to pick him out.

4 Q. And did you have a conversation with John Hurley at that
5 time?

6 A. I told him, Don't make a mistake again.

7 Q. What did he say to you?

8 A. He came out and said, That's him.

9 Q. What did you do?

10 A. I went in and shot him.

11 Q. This is Joe Notarangeli?

12 A. Yes.

13 Q. Now, where did you shoot him?

14 A. In the heart.

15 Q. Do you know who John Hurley was with that day?

16 A. No. Several people that it could have been.

17 MR. WYSHAK: May I have 159 and 160?

18 Your Honor, may I approach the witness?

19 THE COURT: You may.

20 Q. I would like to show you, Mr. Martorano, what's been
21 marked Exhibit 159 and Exhibit 161 for identification.

22 First, 159. Do you recognize what's depicted in that
23 photograph?

24 A. Yes.

25 Q. What is depicted there in?

1 A. That's the phone booth in the Pewter Pot.

2 MR. WYSHAK: I offer it, your Honor.

3 THE COURT: Any objection?

4 MR. BRENNAN: No, your Honor.

5 THE COURT: It may be admitted and published.

6 (Government's Exhibit No. 159 received in
7 evidence.)

8 Q. That is the phone that Mr. Notarangeli was on when you
9 shot him?

10 A. Yes, it is.

11 Q. And the next picture, what is that?

12 A. That's Mr. Notarangeli.

13 MR. WYSHAK: I offer it, your Honor.

14 THE COURT: Any objection?

15 MR. BRENNAN: None.

16 THE COURT: It may be admitted and published.

17 (Government's Exhibit No. 161 received in
18 evidence.)

19 Q. That's the man you shot that day?

20 A. Correct.

21 Q. Now, what happened to Al Notarangeli?

22 A. He ran away for a while.

23 Q. Did there come a time when you were contacted by him?

24 A. Yes.

25 Q. Was that in approximately March of 1974?

1 A. Yeah.

2 Q. What was the nature of that contact?

3 A. He wanted Howie to try to intervene for him, to straighten
4 the beef out with him and Gerry.

5 Q. Did you attend a meeting with Mr. Notarangeli and Gerry
6 Angiulo?

7 A. Yes.

8 Q. Who else was present at that meeting?

9 A. Myself and Howie Winters, and there was other people in
10 the room, I don't know, but at the table.

11 Q. Where was the meeting?

12 A. At Pompeii.

13 Q. When you say "Pompeii," what was Pompeii?

14 A. A restaurant.

15 Q. What happened at that meeting?

16 A. Al made it look like he was -- I mean Gerry made it look
17 like he was patching it up with Al and gave him forgiveness.

18 Q. Why do you say he made it look like that?

19 A. Because he didn't intend to.

20 Q. What was discussed at the meeting?

21 A. What he would do if -- he wanted to get back into some
22 businesses, just to do it with Howie.

23 Q. What was Al Notarangeli's position at the meeting?

24 A. I don't follow you.

25 Q. What did he say?

1 A. That he wanted to straighten it out and come back, and he
2 offered to give him -- to buy his way back, to give the family
3 that he -- the guy he killed some money.

4 Q. He admitted that he killed Paulie Folino?

5 A. Yes.

6 Q. And did Gerry Angiulo agree to settle it for some money?

7 A. Yes.

8 Q. How much?

9 A. \$50,000.

10 Q. Was that \$50,000 paid?

11 A. Yes.

12 Q. How was that paid?

13 A. I'm not positive. Within the next meeting or two that we
14 met with Al, we got the money, and we passed it on.

15 Q. So you actually met with Al and received the money and
16 gave it to Gerry?

17 A. Yes, one or two meetings later. I'm not sure which.

18 Q. At some point does Gerry Angiulo contact you regarding Al
19 Notarangeli?

20 A. Yeah. He was wondering what was taking so long.

21 Q. What does that mean, what's taking so long?

22 A. Why isn't Al dead.

23 Q. As a result of that, what did you do?

24 A. We continued waiting for Al to call us to meet with him.
25 That's all.

1 Q. Did there come a time when he contacted you again?

2 A. Yes.

3 Q. And what was the ostensible purpose for which he contacted
4 you?

5 A. He wanted to go and talk to Howie about some business,
6 wanted to go in town and straighten it out or pay the money.
7 I'm not sure what they were talking. He wanted to talk, but we
8 never got to it.

9 Q. When you say he wanted to get back in business, what kind
10 of business did he want to get back into?

11 A. I don't know. I didn't hear that.

12 Q. Did you meet with Al Notarangeli?

13 A. Yes.

14 Q. Where did you meet with him?

15 A. Some place in Revere.

16 Q. Who was with you?

17 A. Howie Winter.

18 Q. Were you in a vehicle?

19 A. Yeah.

20 Q. What happened next?

21 A. And -- well, "Whitey" was in the vehicle behind us, and I
22 don't know who was with him, one of the -- it could have been
23 one of the seven guys, and we shot him. I shot him.

24 Q. So Mr. Notarangeli got in the vehicle that you were in?

25 A. Yes.

1 Q. And you shot him?

2 A. Correct.

3 Q. Where did you go after that?

4 A. We went to the garage in Somerville.

5 Q. What happened then?

6 A. Took his body out of the car and put it in another car.

7 Q. What kind of car was it that you put his body in?

8 A. I believe it was a four-door Ford.

9 Q. Was it a stolen car?

10 A. Yes.

11 Q. What happened with that stolen car?

12 A. The stolen car was sent to Charlestown, put in the
13 projects, and it had no ignition, so a couple of young kids
14 came along and stole it.

15 Q. With the body in it?

16 A. Yeah.

17 Q. Where was the body?

18 A. In the trunk.

19 Q. At some point that car was recovered; is that fair to say?

20 A. Yes.

21 Q. What did Mr. Bulger do that night?

22 A. I think he burnt the other car, took the other car away
23 and burned it. I am not positive, but that's what I think
24 happened.

25 Q. He was present that night?

1 A. Yes.

2 Q. When you went back to the garage, do you recall
3 Mr. Bulger being there?

4 A. Yes. He was in the car behind us. He followed us back.

5 Q. When the body was transferred from one car into the stolen
6 car that was dumped in Charlestown, was Mr. Bulger there?

7 A. Yes.

8 MR. WYSHAK: May I approach, your Honor?

9 THE COURT: You may.

10 Q. I'd like to show you what's been marked Exhibit 166, 167,
11 and 168 for identification.

12 Asking you first about 167 and 168, do you
13 recognize those two photographs?

14 A. Yes.

15 Q. What do they depict?

16 A. The car that he was in.

17 MR. WYSHAK: I offer them, your Honor.

18 THE COURT: Any objection?

19 MR. BRENNAN: No, your Honor.

20 THE COURT: They maybe admitted and published.

21 (Government's Exhibit No. 167-168 received in
22 evidence.)

23 (Exhibit published to the jury.)

24 Q. That's the car that Mr. Notarangeli's body was placed in?

25 A. Correct.

1 MR. WYSHAK: Next photo.

2 (Exhibit published to the jury.)

3 Q. That's a view of the car with the trunk open?

4 A. Correct.

5 Q. And the next photo that I gave you -- I believe it's

6 166 -- in front of you there, Mr. Martorano?

7 A. Yeah, I see it.

8 Q. What's that a photo of?

9 A. Al.

10 Q. That's the man you killed that night?

11 A. Correct.

12 MR. WYSHAK: I offer it, your Honor.

13 THE COURT: Any objection?

14 MR. BRENNAN: None.

15 THE COURT: It may be admitted and published.

16 (Government's Exhibit No. 169 received in
17 evidence.)

18 (Exhibit published to the jury.)

19 Q. That's Al Notarangeli?

20 A. Yes.

21 Q. With his murder, was that the end of your involvement with
22 this so-called Notarangeli group?

23 A. Yes.

24 Q. Did you know a named Jimmy O'Toole?

25 A. Yes.

1 Q. Who was Jimmy O'Toole?

2 A. He was one of the remaining members of the McLaughlin Gang
3 in Charlestown.

4 Q. Was he an individual that was involved in that gang war in
5 the '60s?

6 A. Yes.

7 Q. Had he had any involvement with Jimmy Flemmi?

8 A. Yeah, he shot him.

9 Q. How badly was Jimmy Flemmi shot?

10 A. Shot him 11 times, but he lived.

11 Q. At the time that Jimmy Flemmi was shot, what did you do
12 for Jimmy Flemmi?

13 A. I helped him go away to recuperate.

14 Q. Where did you take him?

15 A. Vermont.

16 Q. Now, directing your attention to a few years later.

17 In 1973, did Mr. O'Toole come to your attention again?

18 A. Yes.

19 Q. How did that come about?

20 A. He had been hanging around a bar in Dorchester owned by
21 Eddie Connors, and Eddie reached out to someone to say he's
22 been drinking heavy over there and talking about retaliating.

23 Q. Retaliating against whom?

24 A. Howie Winter.

25 Q. What did he say he was going to do to Howie Winter?

1 A. Well, what I had heard, that he wanted to kill him, that
2 he was going to retaliate for the war he started. You know,
3 forgot he had a pass, and he wanted to start it up again.

4 Q. As a result of receiving this information, was there a
5 meeting among the leaders of the Winter Hill group?

6 A. Correct.

7 Q. And was Mr. Bulger present at that meeting?

8 A. Yes.

9 Q. What did you decide to do regarding Mr. O'Toole?

10 A. To take O'Toole out.

11 Q. Did you also discuss Mr. O'Toole with Flemmi?

12 A. Yes, I did.

13 Q. Why did you discuss him with Mr. Flemmi?

14 A. Well, he would have been very happy that it was happening
15 that way, because he wishes he was here to help because he shot
16 his brother.

17 Q. Mr. Flemmi was still on the lam at this time, so to speak
18 --

19 A. Yes.

20 Q. -- a fugitive?

21 And how did you go about killing Mr. O'Toole?

22 A. Well, we got a call somehow that he was over there, and
23 some guys went in the bar and checked it out. He was there, at
24 Eddie Connor's bar in Dorchester. So the cars headed over
25 there.

1 Q. When you say "the cars headed over there," what car were
2 you in?

3 A. The boiler.

4 Q. Who else was in the boiler with you?

5 A. This night here, "Whitey" wanted to do the driving, so he
6 came with me.

7 Actually, I don't know if it was one of his cars again
8 that night, because we were over that way. I'm not sure.

9 Q. When you say, "we were over that way" --

10 A. Over South Boston way.

11 Q. So Mr. Bulger was driving?

12 A. Correct.

13 Q. You were in the car. Who else was in the car?

14 A. Joe McDonald was in the car, and I believe there was a
15 fourth person, but I can't remember. It might have been Howie.

16 Q. And, again, was there a second or third car involved?

17 A. Yeah, there's always a second or third car.

18 Q. And the likely characters for those second and third cars
19 would be who?

20 A. Jack Curran, Pat Nee, Tommy King, Jimmy Mantville, whoever
21 was around at the time.

22 Q. Did there come a time when you saw Jimmy O'Toole?

23 A. Yes.

24 Q. And where was he when you saw him?

25 A. Almost to the corner -- I think it was Dorchester Ave.

1 Q. What happened when you saw him approach the corner?

2 A. He was standing behind a mailbox. I reached over and shot
3 through the mailbox.

4 Q. When you say you reached over, what did you shot him with?

5 A. Another grease gun, machine gun.

6 Q. After you shot him, what happened?

7 A. Joe McDonald jumped out of the car and put one or two more
8 in him.

9 Q. Did you hit the mailbox that night?

10 A. Yes.

11 Q. After that occurred, did you have a conversation with Mr.
12 Bulger about that murder?

13 A. Yes.

14 Because we were turning to the right. Evidently
15 somebody was walking across the street, and he was driving, and
16 he chased him off with his hand. He says, you know, I'm never
17 going to be in a car without a gun again.

18 Q. After that murder, was that in or about December 1973,
19 before Mr. Flemmi came home?

20 A. Pardon me?

21 Q. Was that murder in or about December of 1973, prior to the
22 time Mr. Flemmi came home?

23 A. Oh, yeah.

24 Q. And you told us that Mr. Flemmi came home in --

25 A. May, '74.

1 Q. And he surrendered at that time?

2 A. Yes.

3 Q. Did he get out on bail?

4 A. Yes, he did.

5 Q. Did he join Winter Hill?

6 A. Yes, he did.

7 Q. In what capacity?

8 A. He became a partner.

9 Q. Now there were six of you?

10 A. Six of us.

11 Q. And did the financial arrangements change at that time?

12 A. Yes.

13 Q. How did it change?

14 A. They split it six ways now.

15 Q. So during this period of time, is the Winter Hill group,
16 gang, making money from the illegal gambling business?

17 A. We were starting up, yeah.

18 Q. Did you meet a man named Tony Ciulla during this period?

19 A. Yes.

20 Q. Who was Tony Ciulla?

21 A. He was a gambler, swindler.

22 Q. How about a man named William Barnoski?

23 A. He was with him.

24 Q. When you say "with him," what do you mean "with him"?

25 A. They were partners on scores they were trying to make.

1 Q. Did they have any association with Winter Hill?

2 A. Yes.

3 Q. How about a man named James Sousa?

4 A. Yes, he was a guy over -- that Tony knew from Cambridge, I
5 believe, the Cambridge area.

6 Q. At that time was Mr. Ciulla and Mr. Barnoski involved in
7 fixing horse races?

8 A. Yes.

9 Q. And they were doing that with Winter Hill?

10 A. Correct.

11 Q. Did they come up with a scheme to rob a dentist?

12 A. Yes.

13 Q. Tell us what they planned to do.

14 A. Well, they -- they -- this guy Sousa found a dentist that
15 wanted to buy some gold. He told him he had some gold or
16 silver, whatever it was. The dentist said he was interested.
17 He wanted to buy a lot of it. So Sousa said he'd get it for
18 him, and so Ciulla and Sousa worked it out.

19 Q. This would have been stolen gold?

20 A. Yeah. That's what the dentist thought.

21 Q. In fact, did Mr. Ciulla and Mr. Barnoski have stolen gold?

22 A. No. They showed him a bar of real gold, a small one, and
23 that's when he said he wanted it, and they said, We've got a
24 lot of it.

25 Q. What was the scam going to be?

1 A. That they were going to exchange the gold for the money in
2 a parking lot. And then two guys were going to rob the phony
3 gold, which was only bricks, so the guy would never know he was
4 swindled.

5 Q. Did they attempt to do that?

6 A. Yes.

7 Q. Who else was involved that day?

8 A. Joe McDonald and Billy Barnoski were going to rob them.

9 Q. What happened?

10 A. The guy came with his kid, the dentist. He came with his
11 kid and a gun, and he started shooting up -- started shooting
12 at everybody in the parking lot.

13 Q. As a result of that, what happened?

14 A. As a result of that, Sousa got indicted by the dentist. He
15 went to the law.

16 Q. What happened to the dentist's child?

17 A. He was dropped off somewhere. Ciulla picked him up in
18 the parking lot and dropped him off a block or away or
19 something.

20 Q. As a result of the arrest of Mr. Sousa, was there some
21 concern among the members of the Winter Hill Gang?

22 A. Yeah. He was very scared guy. And Tony Ciulla had come
23 over and wanted to make a pitch to get the guy killed, because
24 he didn't think he would hold up or stand up.

25 Q. As a result of that, did you have a meeting among the six

1 of you?

2 A. Yes.

3 Q. What did you decide to do?

4 A. We decided to kill Sousa.

5 I wanted to kill Ciulla, but they said no.

6 Q. Was Mr. Bulger part of that discussion?

7 A. I believe so.

8 Q. As a result of this meeting, what happened next?

9 A. Billy Barnoski brought Sousa over. He told him that
10 he's going to -- Winter Hill's going to give him money for a
11 lawyer and help him out. And we'll figure out, you know, a
12 good way to get it out of him.

13 Q. When you saw he brought him over, where did he bring him?

14 A. He brought him to the garage in Somerville.

15 Q. This garage in Somerville, was this sort of a place where
16 you hung out?

17 A. Yeah.

18 Q. Conducted business?

19 A. Correct.

20 Q. Was it known by any other name?

21 A. Marshall Motors.

22 Q. So when Mr. Barnoski and Mr. Sousa arrived at the garage,
23 what happened?

24 A. I told Sousa to go in the back room, and we'll be right
25 in.

1 Q. What happened after that?

2 A. Then I walked in and shot him.

3 Q. Who was present when you shot Mr. Sousa?

4 A. Stevie Flemmi.

5 Billy Barnoski was in the other room, and I'm not sure
6 who else. Howie Winter was around somewhere.

7 Q. After you shot Mr. Sousa, what happened?

8 A. We had to get somebody to come and take him away to put
9 him -- bury him somewhere.

10 Q. Who was that?

11 A. Joe McDonald and Jimmy Sims.

12 Q. Were you present at the burial?

13 A. No.

14 Q. What did you do after you shot Mr. Souza?

15 A. I went home to clean up, I believe.

16 Q. Did you see Mr. Bulger that day?

17 A. He was around somewhere. He came in late and was helping
18 Stevie clean up.

19 Q. When you say "clean up," what do you need to clean up?

20 A. The blood went everywhere.

21 Q. Do you know where Mr. Sousa's body was buried?

22 A. No.

23 Q. Do you know a man named Dick Schneiderhan?

24 A. Yes.

25 Q. Who was Richard Schneiderhan?

1 A. I think he was a sergeant in the State Police.

2 Q. When did you first meet him?

3 A. In the late '60s.

4 Q. Where did you meet him?

5 A. In Boston in Rico's Lounge.

6 Q. Did you develop a relationship with Mr. Schneiderhan?

7 A. Yes, I did.

8 Q. What kind of relationship?

9 A. Well, we got a little friendly. He would send me a drink.
10 I'd send him one.

11 And then one day he had a problem with some bikers in
12 there, and I helped him, and we laughed about it, and just
13 stayed friendly.

14 Q. When you say "he had a problem with some bikers," what was
15 that?

16 A. Just in the bar, a problem. Just with some bikers who
17 were drunk.

18 Q. How did you help him?

19 A. I jumped in to help him. They were going to fight.

20 Q. Did there come a time when he expressed to you that he had
21 some personal financial problems?

22 A. Yes.

23 Q. What did you do as a result of that?

24 A. I said, Maybe we can help each other.

25 Q. What did that mean?

1 A. At this time, you know, a little later than that, we got
2 into the sport business, and we could use a guy, because he was
3 -- he told me he was the head guy for bugging telephones.

4 Q. Where was he assigned? Did you know?

5 A. Attorney General's Office, I believe.

6 Q. But he was a member of the State Police?

7 A. Yes.

8 Q. Did you begin paying him money?

9 A. In the early '70s maybe.

10 Q. How much did you pay him?

11 A. It wasn't like this for that. It was -- I tried to leave
12 him some help. I didn't want to make him think he was just a
13 corrupt cop, because I treated him as a friend.

14 Q. How much money did you leave him?

15 A. I always left a thousand dollars in an envelope.

16 Q. Where would you give him that envelope?

17 A. There was a hotel we used to meet at in Cambridge -- I
18 mean Somerville-Charlestown line, Holiday Inn, I think.

19 Q. How often would you meet with him?

20 A. Every month or two at a certain -- when it started.

21 Q. Did it become more regular after that?

22 A. Yes.

23 Well, he kept looking for information, anybody who was
24 getting their telephones bugged. He'd look for the list of the
25 people he was bugging, and if they weren't involved with us,

1 wouldn't say anything. If they were involved with us, we'd
2 tell him, you know, go around it or do something.

3 Q. The people that he was able to provide you information
4 about that were associated with you, who were those people?

5 A. Bookmakers.

6 Q. He was able to tell you what bookies were being
7 wiretapped?

8 A. A few times, yeah.

9 Q. And you were able to pass that information along to the
10 bookies?

11 A. Yeah, or have them move.

12 Q. When you say "have them move," have them move what?

13 A. Move their office someplace else.

14 Q. Get a new phone?

15 A. Change everything.

16 Q. Did that relationship with Mr. Schneiderhan continue until
17 you left Massachusetts?

18 A. Yes.

19 Q. Did you -- after you left Massachusetts, what happened to
20 Mr. Schneiderhan?

21 A. I introduced him to Stevie.

22 Q. Do you know if his relationship continued with
23 Mr. Flemmi?

24 A. Yeah, it did.

25 Q. During this time period also, in or about mid 1970s, did

1 you learn of a man named John Connolly?

2 A. Yes.

3 Q. Did you have a conversation with Mr. Bulger about John
4 Connolly?

5 A. Yes.

6 Q. What did Mr. Bulger tell you about John Connolly?

7 A. He said that John Connolly is an FBI agent, that he grew
8 up in Southie. He just got assigned to Boston, and he went to
9 see his brother, Billy, and told Billy, I owe you for keeping
10 me honest and making me finish this thing and become an FBI
11 agent and stay out of trouble, and if there's anything I can do
12 for you, let me know.

13 Q. So Mr. Bulger is relating to you a conversation that his
14 brother Billy had had with Mr. Connolly?

15 A. Correct.

16 Q. And what did he tell you his brother's response was?

17 A. His brother told him, If you could keep my brother out of
18 trouble, that would be helpful to him.

19 And subsequently he set up a meeting with them.

20 Pending his -- pending "Whitey" mentioning it to everybody
21 else.

22 Q. When you say he mentioned it to everybody else, what do
23 you mean?

24 A. He mentioned it to Winter Hill.

25 Q. So he not only told you this, but he told who else?

1 A. Howie Winter, Joe McDonald, myself, Jimmy Sims, and I
2 think that was -- I am not sure if it was after Stevie got here
3 or not.

4 Q. Did you agree that he should meet with Mr. Connolly?

5 A. We agreed that he should go see him and be a good
6 listener. At all times be a good listener, but never tell him
7 nothing.

8 Q. And did Mr. Bulger meet with John Connolly?

9 A. Yes, he did.

10 Q. Did he tell you what happened at that meeting?

11 A. Yeah. He said that the guy wanted to help him, if he
12 would keep his ear to the grindstone and tell him anything that
13 could help him, it would keep the notoriety off of Billy.

14 Q. Did you perceive this as another Schneiderhan-type
15 relationship?

16 A. That's what's it was supposed to be.

17 Q. Shortly after Mr. Bulger formed this relationship with
18 John Connolly, did you start getting information through
19 Mr. Connolly?

20 A. Yes, we did.

21 Q. What kind of information were you getting?

22 A. I think the first time he pulled our coat to some kind of
23 -- or something happened at the Mellow Tone, a vending machine
24 company with which we were going there to try to do business
25 with them. And one of the guys got scared and ran to the FBI.

1 So he told us about, you know, don't go back there, or change
2 it around, sort of protected us from getting in trouble. And
3 then we saw the value of his friendship with him.

4 Q. Did there come a time when you gave something to
5 Mr. Connolly?

6 A. At some time, yeah, "Whitey" says that he's getting
7 married or something, his anniversary is coming, and he wanted
8 to -- it was a good opportunity for him to give him something.

9 Q. What did you give him?

10 A. A two-carat diamond.

11 Q. You didn't give it to Mr. Connolly directly, did you?

12 A. No.

13 We gave it -- I gave it to "Whitey" or Stevie. I
14 don't know who was there. I think it was "Whitey". He's the
15 one that said he gave it to him without a setting.

16 Q. Subsequent to that, did you have conversations with
17 Mr. Bulger about his relationship with John Connolly?

18 A. Yeah, many times.

19 Q. Did you offer to give Mr. Connolly money?

20 A. I suggested he give it to him any chance he can.

21 Q. What did Mr. Bulger say?

22 A. Down the road he said he takes good care of him. I don't
23 know how and when it started, but, you know, he took care of
24 him all the time.

25 Q. What did you understand that to mean, that he took good

1 care of him?

2 A. Gave him money.

3 Q. Did you know at that time that Mr. Bulger was providing
4 Mr. Connolly with information about Winter Hill?

5 A. No.

6 MR. BRENNAN: Objection. There's no facts in
7 evidence, your Honor.

8 THE COURT: Sustained as to form, counsel, but you can
9 rephrase.

10 Q. Did there come a time that you learned that Mr. Bulger was
11 providing information to Mr. Connolly about criminal
12 activities?

13 MR. BRENNAN: Objection. There is no basis for that.

14 THE COURT: I will see you at sidebar.

15 (SIDEBAR CONFERENCE AS FOLLOWS:

16 MR. WYSHAK: Your Honor, I think the witness has
17 already testified that his motivation for cooperating in this
18 matter was the fact that he had learned Mr. Bulger was an FBI
19 informant.

20 All I am trying to do is establish the timing of that,
21 that prior to 1997 he was unaware of the nature of that
22 relationship.

23 THE COURT: Is '97 when he started to cooperate?

24 MR. WYSHAK: Yes, that's -- 1998 he actually
25 cooperated, but '97 is when he first learned.

1 THE COURT: That was at the hearing before
2 Judge Wolf?

3 MR. WYSHAK: Yes.

4 THE COURT: Okay.

5 MR. BRENNAN: The government is basing this on facts
6 that are not evidence. They want Mr. Martorano to say that Mr.
7 Bulger was giving information to John Connolly. There is no
8 evidence through this witness of Mr. Bulger giving any
9 information to Mr. Connolly. There is no basis for him to say
10 what Mr. Bulger did with Mr. Connolly.

11 There is an issue in this case that Mr. Connolly contrived
12 those reports.

13 Certainly I think he can say that he read correspondence
14 with Mr. Bulger in 1997, but he is not a witness that has any
15 knowledge whatsoever that Mr. Bulger ever gave any information
16 to Mr. Connolly. In fact, it's been an issue in this case from
17 the beginning. So it would be very inappropriate for him to
18 say Mr. Bulger was giving information, or he learned Mr. Bulger
19 did that when he has no basis for it.

20 MR. WYSHAK: I can rephrase it to indicate that he
21 received reports that indicated --

22 THE COURT: I mean, you're trying to get his
23 motivation for cooperating?

24 MR. WYSHAK: As well as the nature of his
25 relationship with Mr. Bulger from the time he becomes a

1 fugitive -- I'm am talking about Martorano -- the time he
2 becomes a fugitive until the time he's caught in 1995.

3 He thinks that the information is just going one way.
4 He is unaware that it's gone the other way, and that sort of
5 explains a lot of the things that happened during this time
6 period.

7 MR. BRENNAN: Well, the point is it's not going the
8 other way, and there's no basis for him to say it was.

9 If the governments is going to say to him, In '97, did you
10 read reports with John Connolly --

11 THE COURT: I understand your point. But I think to
12 the extent Mr. Wyshak is trying to get to the motivation and
13 what the relationship was and that it changed, I think that's
14 fair.

15 MR. BRENNAN: Well, if the relationship changed in '97
16 because he read reports that attributed information to Mr.
17 Bulger, but the way the witness was going to --

18 MR. WYSHAK: I just said I'll rephrase it to relate it
19 to the reports.

20 THE COURT: I think, counsel, I understand the nature
21 of your objection.

22 Mr. Wyshak indicates that he understands as well.

23 Very well, rephrase it.

24 END OF SIDEBAR CONFERENCE.)

25 BY MR. WYSHAK

1 Q. Mr. Martorano, after you were arrested and indicted, you
2 received discovery in your case; is that correct?

3 A. Correct.

4 Q. And did you receive documents which indicated to you that
5 Mr. Bulger had been providing information to
6 Mr. Connolly about criminal activities in Boston?

7 A. Correct.

8 Q. Was that the first time that you learned that, at least
9 according to those documents, Mr. Bulger was providing
10 information to the FBI?

11 A. No. The first time is when the judge disclosed them as
12 informants.

13 Q. It was in 1997; is that fair to say?

14 A. Pardon me?

15 Q. It occurred in 1997?

16 A. Yeah.

17 Q. After you were arrested?

18 A. Correct.

19 Q. Before that, you had no idea; is that fair to say?

20 A. Correct.

21 MR. BRENNAN: Objection.

22 THE COURT: I'm sorry.

23 What was the objection?

24 MR. BRENNAN: The objection is the question --

25 MR. WYSHAK: I'll rephrase it.

1 Q. Prior to 1997, did you have any idea that Mr. Bulger was
2 purportedly providing information to the FBI?

3 A. No.

4 MR. WYSHAK: Your Honor, this might be a good time to
5 break.

6 THE COURT: Jurors, given the time, we're going to
7 break for the day.

8 Just keep all of my cautionary instructions in mind: Keep
9 an open mind about the evidence, don't discuss the case with
10 anyone, and see you tomorrow at 9 a.m.

11 Thank you.

12 THE CLERK: All rise.

13 (Whereupon, the jury left the courtroom.)

14 THE COURT: Sir, you may step down.

15 (Whereupon, the witness stepped down.)

16 THE COURT: Counsel, anything to take up before we
17 break?

18 MR. KELLY: No, your Honor.

19 MR. CARNEY: No, your Honor.

20 THE COURT: Have a good afternoon.

21 MR. CARNEY: Thank you.

22 (Proceedings adjourned.)

23 - - - - -

24

25

1 CERTIFICATION

2 We certify that the foregoing is a correct transcript
3 of the record of proceedings in the above-entitled matter to
4 the best of our skill and ability.

5
6
7 /s/Debra M. Joyce
8 Debra M. Joyce, RMR, CRR
Official Court Reporter

June 17, 2013
Date

9
10
11
12 /s/James P. Gibbons
13 James P. Gibbons, RPR, CRR
Official Court Reporter

June 17, 2013
Date

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